

April 21, 2008

TO: Bob Keller, Washington Federation of State Employees (WFSE)

FROM: Teresa Parsons
Director's Review Program Supervisor

SUBJECT: Michael Moreno v. Department of Labor & Industries (L&I)
Allocation Review Request ALLO-07-002

On January 8, 2008, I conducted a Director's review meeting at the Department of Personnel, 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of Mr. Moreno's position. Both you and Mr. Moreno were present at the Director's review meeting, and Debbie Yantis, Human Resource Consultant, represented L&I. Steve Morris, Program Manager of Facility Services also participated in the meeting. Mr. Moreno reports to Warehouse Supervisor Richard Detheridge, who reports to Mr. Morris.

Background

On November 20, 2006, the Human Resources Office at L&I received an updated Position Description Form (PDF) for Mr. Moreno's position (#3189). By letter dated December 11, 2006, Ms. Yantis notified Mr. Moreno that his position was being reallocated from the Warehouse Operator 2 classification to the Truck Driver 1 classification. Based on Mr. Moreno's position description, Ms. Yantis concluded the primary focus of his position was to deliver, pick up and transfer equipment and supplies. Therefore, she determined the Truck Driver 1 was the appropriate classification for Mr. Moreno's position.

On January 5, 2007, the Department of Personnel received Mr. Moreno's request for a Director's review of L&I's allocation determination.

Summary of Mr. Moreno's Perspective

Mr. Moreno asserts he operates a medium to large size truck rather than a light-duty truck. Mr. Moreno contends that the trucks he operates when transferring and delivering supplies weigh approximately 23,500 to 25,500 GVW (Gross Vehicle Weight) and more

closely resemble the trucks, busses, and special vehicles characterized as medium to large trucks. In addition, Mr. Moreno states that he routinely operates fork lift trucks, hydraulic lifts, and motorized pallet jacks, which he asserts are characteristic of the Truck Driver 2 job classification.

Summary of L&I's Reasoning

L&I asserts the Truck Driver 1 classification is the best fit for the duties assigned to Mr. Moreno's position. Specifically, L&I states that the majority of Mr. Moreno's assigned work involves operating a 25,500 GVW vehicle for the purpose of delivering materials to the L&I Headquarters, local L&I offices, Consolidated Mail Services, and the Department of Information Services on a daily basis. L&I further asserts that Mr. Moreno does not exclusively drive the 25,500 GVW truck and may drive other trucks when delivering supplies. When combining these duties with the warehouse operator duties, L&I contends the Truck Driver 1 is the appropriate classification.

Director's Determination

This position review was based on the work performed for at least the six-month period prior to November 20, 2006.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments provided by both parties. Based on my review and analysis of Mr. Moreno's assigned duties and responsibilities, I conclude his position should be reallocated to the Truck Driver 2 classification.

Rationale for Determination

During the Director's review meeting, the parties agreed the PDFs dated November 2006 and September 2007 (date stamped October 2, 2007) were essentially the same. In the Position Objective section, the PDF indicates Mr. Moreno's position is assigned to the Warehouse Operations Section of L&I and performs traditional warehouse functions such as receiving, storing, and issuing inventory. In the Key Work Activities section of the PDF, these functions are described as general warehouse support (25%) and include receiving, stocking, issuing, shipping, and other warehouse duties related to the inventory, orders, shipping, and invoicing.

The position objective also notes that a primary function of Mr. Moreno's position includes a daily delivery of supplies to L&I Headquarters. During the Director's review meeting, Mr. Moreno indicated he spends about half of his work day making deliveries, primarily each morning. The key work activities related to the delivery of supplies include the following:

30% Making local deliveries, such as delivering materials to the L&I Headquarters, local L&I offices, Consolidated Mail Services, and the Department of Information Services on a daily basis.

10% Vehicle operation along with the pre-operation inspections and maintenance.

Both the essential functions portion of the PDF and the key work activities indicate Mr. Moreno operates a medium duty truck with a gross vehicle weight (GVW) of 25,500 pounds to deliver the requested supplies and equipment.

10% Operating a 3,500 pound capacity forklift and 3,500 pound capacity electric pallet jack to load and unload materials/supplies. Performing pre-operation inspections and maintenance.

A portion of Mr. Moreno's assigned work (25%) is consistent with the distinguishing characteristics of the Warehouse Operator 2 classification, including performing journey level warehouse functions such as receiving, recording, storing, issuing, shipping, and stocking supplies. However, based on the majority of work assigned to Mr. Moreno's position, I agree that Mr. Moreno's position better fits within the Truck Driver class series.

The Truck Driver Class Series Concept reads as follows:

Positions in this occupational category operate, load and unload trucks, vans, and other vehicles as needed. Positions drive trucks and/or vans to transport materials, equipment and passengers. Might perform pick up, transfer, and delivery of specified equipment and supplies.

The distinction between the Truck Driver 1 and the Truck Driver 2 classes primarily relates to the size of the vehicle. Truck Driver 1 positions "operate small, light-duty trucks, vans, and similar vehicles to pick up, transfer and deliver items." By contrast, Truck Driver 2 positions "operate medium to large trucks" when transferring and delivering materials and supplies. The Truck Driver 2 class specification also notes the vehicles are between 28,000 GVW and 60,000 GCW.

While typical work examples do not form the basis for an allocation, they lend support to the work envisioned within a classification. At the Truck Driver 1 level, typical work includes hauling materials, supplies and equipment, loading and unloading, and minor vehicle maintenance. Although Mr. Moreno does perform some of these functions, he does so while operating a much larger vehicle than a light-duty truck.

The typical work examples for a Truck Driver 2 include driving medium to large vehicles and using pallet jacks, hydraulic lifts, and forklift trucks to transport supplies and equipment. The truck Mr. Moreno operates most of the time has been described as a medium size truck with a GVW of 25,500. Mr. Moreno also operates the equipment envisioned in the examples of work given at the Truck Driver 2 level. While I recognize the weight of the truck operated by Mr. Moreno (25,500 GVW) is not an exact match to the weight given in the Truck Driver 2 class specification (28,000 GVW), I conclude the size of the vehicle is closer to a medium size truck than a light-duty truck.

Both the Personnel Appeals Board (PAB) and the Personnel Resources Board (PRB) have addressed the concept of best fit. In Allegri v. Washington State University, PAB Case No. ALLO-96-0026 (1998), the Personnel Appeals Board (predecessor to the PRB) noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position. Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007).

On a best fit basis, the majority of Mr. Moreno's assigned work fits the Truck Driver 2 classification. Position #3189 should be reallocated to the Truck Driver 2 classification.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

c: Michael Moreno
Debbie Yantis, L&I
Lisa Skriletz, DOP

Enclosure: List of Exhibits